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GOVERNMENT OF GOA

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EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Department of Law

Legal Affairs Division

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Notification

8/1/2020-LA

The Contract Labour (Regulation and Abolition) (Goa Amendment) Ordinance, 2020 (Ordinance No. 7 of 2020), which has been promulgated by the Governor of Goa on 26-6-2020, is hereby published for general information of the public.

Smita R. Chandwani, Joint Secretary (Law).

Porvorim, 26th June, 2020.

The Contract Labour (Regulation and Abolition) (Goa Amendment) Ordinance, 2020

(Ordinance No. 7 of 2020)

Promulgated by the Governor of Goa in the Seventy-first Year of the Republic of India.

An Ordinance further to amend the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), as in force in the State of Goa.

Whereas, the Legislative Assembly of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Contract Labour (Regulation and Abolition) (Goa Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), as in force in the State of Goa (hereinafter referred to as the "principal Act"), in sub-section (4), for the word "twenty", wherever it occurs, the word "fifty" shall be substituted.

3. *Insertion of new section 25A.*— After section 25 of the principal Act, the following section shall be inserted, namely:—

"25A. *Compounding of offences.*— (1) Any offence punishable under sub-sections (1) and (2) of section 22 and section 24 may, either before or after the institution of the

prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for the amount as specified in the table below.

TABLE

Number of workmen employed in establishment	Composition amount
50 to 100	₹ 20000/-
101 to 500	₹ 35000/-
More than 500	₹ 50000/-

Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in above Table:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged."

Place:- Raj Bhavan,

Dona Paula, Goa.

Date: / / 2020.

SATYA PAL MALIK,

Governor of Goa.

Notification

8/3/2020-LA

The Industrial Disputes (Goa Amendment) Ordinance, 2020 (Ordinance No. 8 of 2020), which has been promulgated by the Governor of Goa on 26-6-2020, is hereby published for general information of the public.

Smita R. Chandwani, Joint Secretary (Law).

Porvorim, 26th June, 2020.

The Industrial Disputes (Goa Amendment) Ordinance, 2020

(Ordinance No. 8 of 2020)

Promulgated by the Governor of Goa in the Seventy-first Year of the Republic of India.

An Ordinance further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), as in force in the State of Goa.

Whereas, the Legislative Assembly of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:-

1. *Short title and commencement.*— (1) This Ordinance may be called the Industrial Disputes (Goa Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. *Amendment of section 2A.*— In section 2A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), as in force in the State of Goa (hereinafter referred to as the "principal Act"),—

(i) in sub-section (3), for the words "three years", the words "one year" shall be substituted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised before conciliation officer within a period of one year from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority as may be specified by the State Government may condone the delay beyond such period of one year if the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of one year."

3. *Amendment of section 25F.*— In section 25F of the principal Act, in clause (b), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

4. *Substitution of section 25K.*— For section 25K of the principal Act, the following section shall be substituted, namely:-

"25K. *Application of Chapter VB.*— (1) The provisions of this chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.

(2) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the Official Gazette apply the provisions of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

(3) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the State Government thereon shall be final".

5. *Amendment of section 25N.*— In section 25N of the principal Act, in sub-section (9), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

6. *Amendment of section 25O.*— In section 25O of the principal Act, in sub-section (8), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

7. *Insertion of new section 31A.*— After section 31 of the principal Act, the following section shall be inserted, namely:-

"31A. *Compounding of offences.*— (1) Any offence punishable under sections 25Q, 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below.

TABLE

Sr. No.	Section	Composition amount	
(1)	(2)	(3)	
1.	25Q	25 days wages last drawn by each workman.	
2.	25R	60 days wages last drawn by each workman.	
3.	25U	(i) By each workman ₹ 150/- per day but not exceeding ₹ 3000/- in aggregate; (ii) By employer ₹ 300/- per day but not exceeding the amount in aggregate as shown below:	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	₹ 7,000/-
		51 to 100	₹ 10,000/-
		101 to 500	₹ 15,000/-
		More than 500	₹ 20,000/-
4.	26	(i) In case of illegal strike, ₹ 150/- per day by each workman but not exceeding ₹ 3000/- in aggregate; (ii) In case of illegal lock-out ₹ 300/- per day by an employer but not exceeding the amount in aggregate as shown below:	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	₹ 7,000/-
		51 to 100	₹ 10,000/-
		101 to 500	₹ 15,000/-
		More than 500	₹ 20,000/-

5.	27 and 28	As per section 26 above for illegal strike and lockout			
6.	29	₹ 200/- per day in respect of each of the workman			
7.	30A	25 days wages last drawn by each workman			
8.	31 (1)	Number of workmen employed in the industry	For first offence	For the second offence	For third offence
		1 to 50	₹ 10,000/-	₹ 15,000/-	₹ 20,000/-
		51 to 100	₹ 15,000/-	₹ 20,000/-	₹ 25,000/-
		101 to 500	₹ 20,000/-	₹ 25,000/-	₹ 30,000/-
		More than 500	₹ 30,000/-	₹ 35,000/-	₹ 40,000/-
9.	31 (2)	(i) For each workman, for the first offence ₹ 1000/-, for the second offence ₹ 2000/- and for the third offence ₹ 3000/-.			
		(ii) For Employer:			
		Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 1500/-	₹ 3000/-	₹ 6000/-
		51 to 100	₹ 3000/-	₹ 6000/-	₹ 10000/-
		101 to 500	₹ 4000/-	₹ 8000/-	₹ 15,000/-
		More than 500	₹ 5000/-	₹ 10000/-	₹ 20000/-

Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in above Table:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or

authority that such offence is not continued any further.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged."

Place:- Raj Bhavan,
Dona Paula, Goa.
Date: / / 2020.

SATYA PAL MALIK,
Governor of Goa.

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